

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 19035 of 1995

Between:

- 1 BATHULA BHUMANNA S/O B. MALLESHAM
R/O BATTISAWARGAON VILLAGE ADILABAD
- 2 HARSHA RAJA NARSU S/O HARSHA BADDENNA
R/O BATTISAWARGAON VILLAGE ADILABAD
- 3 SUNKARI LAXMI BAI W/O SUNKARI BALAIAH
R/O BATTISAWARGAON VILLAGE ADILABAD
- 4 BATHULA ASHIGA W/O LATE BATHULA ADELLU
R/O BATTISAWARGAON VILLAGE ADILABAD
- 5 RAMAKKA W/O BHUMANNA
R/O BATTISAWARGAON VILLAGE ADILABAD
- 6 NARMADA W/O GANGANNA
R/O BATTISAWARGAON VILLAGE ADILABAD
- 7 MADASTU CHINNA NARSIMLU S/O LATE NARSIMLU
R/O BATTISAWARGAON VILLAGE ADILABAD
- 8 S. NARSAIAH S/O LATE VENKANNA
R/O BATTISAWARGAON VILLAGE ADILABAD

..... PETITIONERS

AND

- 1 THE DISTRICT COLLECTOR, ADILABAD
- 2 REVENUE DIVISIONAL OFICER, ADILABAD
- 3 MANDAL REVENUE OFFICER, ADILABAD

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus directing the respondent not to forcibly dispossess the petitioners herein from their respective agriculture land i.e., 5.11 guntas in Sy. No. 72/38 of petitioner No.1, 8 acres in Sy. No. 72/17 of petitioner No.2, 5 acres in Sy. No. 72/27 of petitioner No.3, 8 acres in Sy. No. 72/19 of petitioner No.4, 10 acres in Sy. No. 72/13 of petitioners

No. 5,6,7, 5 acres in Sy. No. 72/48 of petitioner No.8, situated at Batti sawaragaon village Adilabad Mandal, Adilabad dist. and not to interfere with the peaceful possession and enjoyment of the petitioners land without due process of law.

Counsel for the Petitioner: MR.S.CHANDRASEKHAR

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORAL ORDER:

Petitioners state in their petition that the Government is contemplating to distribute 3000 house site pattas to the weaker sections in Batti Sawargoan village and in that connection the 2nd respondent issued the proceedings G/2702/95, dated 15.8.95 and directed some Mandal Revenue Inspectors to prepare 3000 house sites from the Sy. No. 72/11 of the said village and prepare the list of the eligible beneficiaries.

It is their main grievance that the land in Sy. No. 72/11 is a small piece of land and is not sufficient for the said purpose and therefore, under the guise of the said proceedings, the Mandal Revenue Inspectors are illegally entering into the lands of the petitioners and are trying to divide the lands of the petitioners into plots for the said purpose. Hence the present writ petition.

Heard the learned counsel for the petitioners and also the learned Government pleader for Revenue, appearing for the respondents.

Learned counsel for the petitioners submits that the petitioners are in uninterrupted possession and enjoyment of the lands in question and that the respondents are trying to dispossess the petitioners from their lands without following due process of law.

While admitting the writ petition, this Court on 24.8.1995, granted interim stay of dispossession of the petitioners from the lands in their possession, which is in force as on today.

Therefore, under the above circumstances, this Court without going into the merits of the case, deem it appropriate to direct the respondents not to dispossess the petitioners from the lands which

are in their possession and enjoyment in S. No. 72/38, 72/17, 72/27, 72/19, 72/13 and 72/48 of Sawargaon village of Adilabad District, without following due process of law, if they are still in possession, as on today.

With the above direction, the writ petition is disposed of. No costs.

kvsn 09-12-2004

To

- 1 THE DISTRICT COLLECTOR, ADILABAD
- 2 REVENUE DIVISIONAL OFFICER, ADILABAD
- 3 MANDAL REVENUE OFFICER, ADILABAD

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